



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 22-078

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 2 of the proposed rule, the treatment clause indicates that s. DHS 34.03 (3) (intro.) is amended. However, subsequent text is the unamended current version of s. DHS 34.02 (3) (intro.).

b. In SECTION 3 of the proposed rule, in s. DHS 34.03 (6) (a), the abbreviation “subs.” should be revised to “sub.”. [s. 1.15 (2) (d), Manual.] Also, in s. DHS 34.03 (6) (b), the format for the reference to “s. DHS 34.03 (7) (c)” should be revised to refer to “sub. (7) (c)”. [s. 1.15 (2) (Table), Manual.]

c. In SECTION 4 of the proposed rule, the treatment clause is missing. A treatment clause should be provided that cites the rule provision being treated and the type of treatment being made to the affected provision. [s. 1.03 (2), Manual.]

d. In SECTION 8 of the proposed rule, to properly reflect the amendment to the current text, the new material in s. DHS 35.08 (1) (title) should be shown with underscoring, as “APPLICATION INITIAL APPLICATION.”.

e. As SECTION 9 of the proposed rule repeals s. DHS 35.08 (1) (b), which would leave only one subunit under sub. (1), the treatment of sub. (1) (title) and (a) in SECTION 8 should be revised to consolidate, renumber, and amend sub. (1) (a) as sub. (1). [s. 1.04 (7), Manual.]

f. In SECTIONS 17 and 18 of the proposed rule, the subsections are all repealed with no intervening treatment. The two SECTIONS may be combined in the same treatment SECTION. [s. 1.03 (2) (c) 2., Manual.]

g. In SECTION 19 of the proposed rule, in s. DHS 36.05 (10) (b), the format for the reference to “s. DHS 36.05 (11)” should be revised to refer to “sub. (11)”. [s. 1.15 (2) (Table), Manual.]

h. In SECTION 23 of the proposed rule, in s. DHS 63.03 (6) (b), the format for the reference to “s. DHS 63.03 (7) (c)” should be revised to refer to “sub. (7) (c)”. [s. 1.15 (2) (Table), Manual.] A period should also be inserted at the end of the sentence.

i. The caption for the proposed rule should be updated to reflect any changes made in response to these comments.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In SECTION 6 of the proposed rule, in s. DHS 34.03 (10) (g), the text resulting from the amendment would be “If the department denies suspends or terminates...”. It appears that either the word “denies” should be stricken or there should be a comma between “denies” and “suspends”. Also, a comma should follow “suspends”. [s. 1.06 (1) (b), Manual.]

b. In SECTION 7 of the proposed rule, the amended text proposes removing the comma after “terminates”. Consider retaining the comma, as a series of three or more terms with a single conjunction should use a comma after each term except the last. [s. 1.06 (1) (b), Manual.]

c. In SECTION 23 of the proposed rule, there appears to be a typographical error in the phrase “suspended terminated or suspended”. Consider removing the first instance of “suspended”. Also, consider revising the phrase “is expected to fill out, and submit” to “is expected to complete and submit”.

d. In SECTION 25 of the proposed rule, the title includes the phrase “Termination, suspension or denial”. A comma should be inserted after the word “suspension”. In writing a series of three or more terms with a single conjunction, use a comma after each term except the last. [s. 1.06 (1) (b), Manual.]

e. In SECTIONS 4, 14, 20, 22, and 24, the proposed rule states that the department shall establish a fee structure. The department should consider establishing a fee structure within the administrative rule, or should explain its authority to establish a fee structure without rulemaking, such as in s. 51.04, Stats. If the department does not establish the fee structure by rule, consider revising the rule to specify the calculation or parameters the department must use in establishing a fee structure.